

State of Wisconsin
Before the Chiropractic Examining Board

In the Matter of Disciplinary Proceedings Against
Frank J. Jaskowiak, D.C.,
Respondent
Case LS 9601183 CHI

FINAL DECISION AND ORDER

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Frank J. Jaskowiak, D.C.
N85 W15762 Appleton Avenue
Menomonee Falls WI 53051

Chiropractic Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter. Accordingly, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Frank J. Jaskowiak, D.C., was born on June 16, 1957, and is licensed to practice chiropractic in Wisconsin pursuant to license number 1963, first granted on October 27, 1984. Jaskowiak practices in Menomonee Falls, Wisconsin.
2. On August 27, 1988, Jaskowiak billed Chiropractic Care of Wisconsin, Inc., a health insurance administrator, for providing treatment to Lawrence Glodowski thirteen times on dates between and including July 15, 1988, and August 12, 1988.
3. The bill Jaskowiak filed with the insurance administrator relating to Lawrence Glodowski was false, in that Jaskowiak provided treatment to Mr. Glodowski on only one of the occasions for which Jaskowiak claimed payment.

4. Jaskowiak created treatment notes for Mr. Glodowski, describing an examination on July 15, 1988, which did not take place. Jaskowiak inserted these false notes in Mr. Glodowski's file.
5. On July 3, 1990, Jaskowiak billed Chiropractic Care of Wisconsin, Inc., a health insurance administrator, for providing treatment to Joan Polly on six dates between and including June 4, 1990, and June 9, 1990. Jaskowiak claimed payment for providing x-rays on one of those occasions, and manipulations and heat therapies on all six visits.
6. The bill Jaskowiak filed with the insurance administrator relating to Joan Polly was false, in that Ms. Polly did not receive x-rays from Jaskowiak on any visit in 1990, and was treated by Jaskowiak only once during the period for which Jaskowiak billed six times.
7. Jaskowiak created treatment notes for Ms. Polly, describing treatment on five occasions between June 4, 1990, and June 9, 1990, when there was no treatment provided, and inserted these false notes in Ms. Polly's file.

CONCLUSIONS OF LAW

1. The Chiropractic Examining Board has jurisdiction in this matter pursuant to s. 446.03, Stats.
2. By filing false claims for payment for treatment which did not occur, and by creating false notes in patient records, Jaskowiak has violated ss. 446.03(4) and (5), Stats., and ss. Chir 6.02(12) and (14), Wis. Admin. Code.

ORDER

Now, therefore, it is ordered that the license previously issued to Frank J. Jaskowiak, D.C., to practice chiropractic in the state of Wisconsin be and hereby is **SUSPENDED** for thirty days, commencing on the date of signing of this order.

It is further ordered that the remaining files in Case No. 90 CHI 75, involving patients G.P., J.K., S.P., S.K. and R.S. are closed.

Dated this 14th day of March, 1996.

Wisconsin Chiropractic Examining Board


A member of the Board.

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Before the Chiropractic Examining Board

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STIPULATION

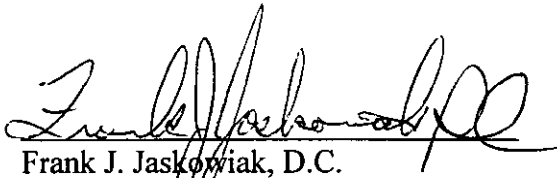
It is hereby stipulated between Frank J. Jaskowiak, D.C., personally and on his own behalf and with counsel, Attorney Michael Crooks, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Jaskowiak's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Chiropractic Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Jaskowiak consents to the entry of the attached Final Decision and Order.
3. Dr. Jaskowiak is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against him,
 - the right to call witnesses on his own behalf and to compel their attendance by subpoena,
 - the right to testify himself,
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
 - the right to petition for rehearing,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Jaskowiak is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.


5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Chiropractic Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.


7. The parties to this stipulation agree that the resolution of this proceeding shall not be deemed an admission for any subsequent proceeding in this or any other tribunal.


Frank J. Jaskowiak, D.C.

2/23/96
Date


Michael Crooks
Attorney for Dr. Jaskowiak

2/29/96
Date


James E. Polewski
Attorney
Division of Enforcement

2/20/96
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN CHIROPRACTIC EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 15, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)